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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 15, 2016

16-NWP-140 – Reissue

Mr. Kevin W. Smith, Manager
Office of River Protection
United States Department of Energy
PO Box 450, MSIN: H6-60
Richland, Washington 99352

Mr. Mark A. Lindholm,
President and Project Manager
Washington River Protection Solutions LLC
PO Box 850, MSIN: H3-22
Richland, Washington 99352

Re: Department of Ecology (Ecology) Concurrence with Mutual Letter of Agreement Modifying the SY Settlement Agreement and Stipulated Order of Dismissal, PCHB No. 98-249; No 98-250 (Agreement) Section II.H

References: See page 2

Dear Mr. Smith and Mr. Lindholm:

This letter is being reissued to transmit the first page of the Mutual Letter of Agreement. Only the second page of the agreement, with signatures, was enclosed with the original letter.

Ecology concurs with the enclosed Mutual Letter of Agreement to the SY Settlement Agreement (Reference 1) to modify Section II.H of the Agreement, in accordance with Section I.E. This Mutual Letter of Agreement requests concurrence from Ecology to:

1. Set the leak detector probes in the annulus of double-shell tank 241-AY-102 on the surface of the waste instead of one-fourth inch from the floor of the annulus.
2. Suspend the reporting requirements of II.H for tank 241-AY-102 during waste retrieval.

Ecology does not concur with the notification requirements provided in your letter 16-TF-0087 (Reference 2). That letter states you would notify Ecology of a significant change to waste levels in the annulus when not retrieving waste. However, no basis, timing, or amount of waste is given.

In lieu of the notification requirements in II.H, Ecology requires that you notify us within 24 hours if a level increase, or decrease, of at least one-half inch occurs within a 24-hour period while the waste is not being retrieved or otherwise disturbed. Also, you must notify Ecology within 24 hours if the leak into the annulus from the primary worsens during waste retrieval. We expect you to incorporate the detailed notification requirements in this paragraph into the *241-AY-102 Monitoring Plan*.

Please ensure the enclosed original, signed Mutual Letter of Agreement is placed into the Administrative Record as an addendum to the SY Settlement Agreement.

The Mutual Letter of Agreement is applicable only to tank 241-AY-102; it does not amend the requirements for any other double-shell tank system.



Mr. Smith and Mr. Lindholm
August 15, 2016
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If you have any questions, please contact Jeff Lyon, Tank Systems Operating and Closure Project Manager, at jeff.lyon@ecy.wa.gov or (509) 372-7914, or Cheryl Whalen, Cleanup Section Manager, at cheryl.whelen@ecy.wa.gov or (509) 372-7924.

Sincerely,



Alexandra K. Smith
Program Manager
Nuclear Waste Program

kw/aa
Enclosure

References:

1. Pollution Control Hearings Board, State of Washington, "SY Settlement Agreement and Stipulated Order of Dismissal, PCHB No. 98-249; No. 98-250", signed and submitted March 15, 1999, effective March 18, 1999
2. Letter 16-TF-0087, dated August 10, 2016, "The U.S. Department of Energy, Office of River Protection and Washington River Protection Solutions LLC Submits Mutual Letter of Agreement to PCHB 98-249; 98-250 (SY Settlement Agreement)"

cc electronic w/enc:

Dave Bartus, EPA
Dennis Faulk, EPA
Reggie Eakins, USDOE
Thomas Fletcher, USDOE
Jeremy Johnson, USDOE
Chris Kemp, USDOE
Dawn MacDonald, USDOE
Glynn Trenchard, USDOE
Steve Cherry, WRPS
Neil Davis, WRPS
Doug Greenwell, WRPS
Rob Gregory, WRPS
Sebastien Guillot, WRPS
Jessica Joyner, WRPS
Robert McPherson, WRPS
Rebecca Sams, WRPS
Kent Smith, WRPS
David Strasser, WRPS
Mark Tavelli, WRPS
Ken Niles, ODOE
Kelly Wood, AGO

cc electronic w/enc:

Steve Lowe, Ecology
Jeff Lyon, Ecology
Cheryl Whalen, Ecology
Kristi Wold, Ecology
USDOE-ORP Correspondence Control
WRPS Correspondence Control
Environmental Portal
Hanford Facility Operating Record

cc w/enc:

Steve Hudson, HAB
Administrative Record
NWP Compliance Index File: 14.489
SY Settlement Agreement File:
PCHB 98-249; 98-250
NWP Central File

cc w/o enc:

Rod Skeen, CTUIR
Gabriel Bohnee, NPT
Russel Jim, YN
NWP Reader File

MUTUAL LETTER OF AGREEMENT

SETTLEMENT AGREEMENT AND STIPULATED ORDER OF DISMISSAL, PCHB No. 98-249; No. 98-250

Pursuant to Section I.E. of the Settlement Agreement and Stipulated Order of Dismissal in PCHB 98-249; 98-250 (SY Settlement Agreement), the Washington State Department of Ecology (Ecology), the United States Department of Energy/Office of River Protection (DOE), and Washington River Protection Solutions LLC (WRPS) (collectively, the Parties) agree as follows:

I. PARTIES

The Parties to this Mutual Letter of Agreement are either the original signatories or successors in interest to the SY Settlement Agreement submitted by the parties to the Washington Pollution Control Hearings Board (PCHB) on February 26, 1999 and approved by the PCHB on March 15, 1999.

II. PURPOSE

The purpose of this Mutual Letter of Agreement is to document the agreement of the Parties regarding the interpretation of the SY Settlement Agreement and the AY-102 Settlement Agreement, PCHB 14-041c (AY-102 Settlement Agreement) with respect to waste retrieval activities being undertaken by DOE and WRPS in accordance with the AY-102 Settlement Agreement.

III. AGREEMENT

The parties acknowledge and agree that during the tank pumping operations set forth in Section II.B.5 of the AY-102 Settlement Agreement:

- A. The three annulus leak detector probes within the annulus of tank 241-AY-102 shall be set on the surface of the waste to monitor waste level in the annulus. The functionality of the annulus leak detection system alarm (set point of ¼ inch) for tank 241-AY-102 will be suspended during waste retrieval. During such interruption, the reporting requirements of Section II.H of the SY Settlement Agreement shall not apply to tank 241-AY-102.

IV. DURATION OF THE AGREEMENT

This agreement shall terminate upon receipt by DOE and WRPS of written notification from Ecology of the timely and satisfactory completion of the requirements set forth in Section II.B.5 of the AY-102 Settlement Agreement, or as mutually agreed to otherwise, in writing, by the Parties.

V. EXECUTION

This document may be executed in counterparts and may be executed by email, and each executed shall have the same force and effect as the original instrument.

WASHINGTON STATE
DEPARTMENT OF ECOLOGY




Alexandra K. Smith
Program Manager

8/15/16

Date

U.S. DEPARTMENT OF ENERGY
Office of River Protection




Kevin Smith
Manager

8/9/2016

Date

WASHINGTON RIVER
PROTECTION SOLUTIONS,
LLC



Mark A. Lindholm
President and Project Manager

8/10/16

Date